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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,290	10/14/2004	Raimo Leimala	4819-4721	1867
27123 7590 12/13/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER YANG, JIE	
			ART UNIT 1793	PAPER NUMBER
			NOTIFICATION DATE 12/13/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
Shopkins@Morganfinnegan.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/511,290	<b>Applicant(s)</b> LEIMALA, RAIMO	
	<b>Examiner</b> Jie Yang	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is to acknowledge of the receipt of "applicant argument/remarks" filed on 10/10/2007. Claims 6-7 are cancelled; Claims 1, 2, 5, and 12 have been amended from original claims; Claims 1-5, and 8-13 are pending in application.

#### ***Status of the Precious Rejection***

Objection for claim 12 has been withdrawn in view of the applicant's amendment filed on 10/10/2007. The previous rejection of claims 1-13 have been withdrawn in view of the arguments filed on 10/10/2007. However, upon further consideration, a new ground(s) of rejection is made (see below).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kieswetter, Jr et al (U.S. 3,951,649, thereafter '649) in view of Partridge (US 6,165,367, thereafter '367) and further in view of Cupertino et al (US Re 36,118, thereafter '118).

'649 in view of '367 is applied to the claim 1 for the same reason as state in the previous rejection dated 7/10/2007.

As to the amendment in claim 1, lines 3-4, '649 in view '367 does not specify ~~that~~ having an alkali chloride content of at least 200g/l and a monovalent copper content of 30-100g/l in the solution. However, alkali chloride content and monovalent copper content are result-effective variables in term of extraction of impurity metals, which is evidenced by '118. '118 teaches a method for separating a metal selected from the group of magnesium, copper, titanium, iron, zinc from an organic complex thereof. The method comprises treating the complex with a weakly acid aqueous solution of an alkali metal or alkaline earth metal chloride having a chloride content of at least 4 molar and an acid strength of up to 0.5 molar above the stoichiometric requirement for stripping the metal the metal whereby said complex is decomposed and metal ions are transferred to the aqueous solution. (Claim 1 of '118, 4 molar NaCl is about 232g/l and 0.5 molar copper is about 32g/l—noted by examiner). '118 further teaches higher concentrations favor more complete extraction of impurity metals but may reduce the selectivity with which they are extracted (Col.3, Line 38-44 of '118). Therefore, it would have been obvious to one skilled in

the art to have optimized the alkali chloride content of at least 200g/l and monovalent copper content of 30-100 g/l as recited in the instant claims in the process of '649 in order to efficiently extracting of impurity metals (Col.3, Line 38-44 of '118). See MPEP 2144.05 II.

Regarding claims 2-5, because the amendment in claims 2 and 5 do not change the scope of the claims, '649 in view of '367 are applied to the claims 2-5 and 13 for the same reason as state in the previous rejection dated 7/10/2007.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over '649 in view of '367 and '118 as applied on the claims 1-5 and 13, and further in view of Everett (US 5,487,819, thereafter '819).

Claims 8 and 9 depend on claim 1, '649 in view of '367 and '118 teaches limitation of claim 1. '819 is <sup>further</sup> applied to the claims 8 and 9 for the same reason as stated in the previous rejection dated 7/10/2007.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over '649 in view of '367 and '118 as applied on claims 1-5 and 13, and further in view of Hyvarinen et al (US 6,007,600, thereafter '600).

Claims 10-11 depend on claim 1, while claim 12 depends on claim 11, '649 in view of '367 and '118 teaches limitation of claim 1. '600 is <sup>further</sup> applied to the claims 10-12 for the same reason as state in the previous rejection dated 7/10/2007.

### ***Response to Arguments***

In the remark, the Applicant argues that:

1, The separation method employed by the '649 is fundamentally different to the instant invention.

In response, the argument is not persuasive because '649 teaches the similar metal ion separation process (removing ferrous chloride from a strong chloride solution of maximum the formation of cuprous chloride (Col.2, Lines 55-64 and Col.4, Lines 33-47)) as claimed in the instant claim and the copper ions are still in the chloride solution at that process step. The motivation for combining the prior arts '649, '118 and '367 can refer to the rejection for the claim 1 as discussed above.

2, '367 does not suggest the successful use of chelating ion-exchange resin to remove metal ion impurities from a strong chloride.

In response, the argument is not persuasive because '367 had used same resin for the similar metal ion impurities removing process as recited in the instant claims. The capability for using in strong chloride solution and incapable of capture certain types of metal ions are specific properties for this type resin. Therefore, specific

properties would be inherently present when this type resin applied in the separation process. See MPEP §2112 III&IV.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/511,290  
Art Unit: 1793

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY



  
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